

Bountiful City
Administrative Committee Minutes
January 24, 2011
5:00 P.M.

Present: Acting Chairman – Lloyd Cheney; Committee Member – Marc Knight; Committee Member – Dave Badham; Assistant Planner - Dustin Wright; and Recording Secretary – Darlene Baetz

Excused: Chairman – Aric Jensen

1. Acting Chairman Cheney opened the meeting at 5:05 pm and had everyone present introduce themselves.
2. Consider approval of minutes for January 3, 2011.

Mr. Cheney made a motion to table the minutes for January 3, 2011.

3. Consider a Variance for retaining walls in excess of 10' in height and disturbing ground over 30% at 4297 Summerwood Dr., Karen Scherbel, Rick Scherbel and Curt Schaefermeyer, applicants.

Karen Scherbel, Rick Scherbel and Curt Schaefermeyer were present. Mr. Wright presented the staff report.

The property is located in Residential Foothill R-F zone. In 2006 plans were submitted to develop a home on the property. These plans were approved and construction began but was never completed. Ownership has changed and new site plans have been submitted to complete construction. The applicant is requesting a variance from §14-4-104.A to build on slopes over 30% and from §14-4-117.D.9 to build retaining walls exceeding 10 ft. in height.

The approved plans from 2006 showed minimal disturbance to locations on the lot where the existing slopes exceeded 30%. The floor elevation of the garage was shown to be constructed at an elevation of 48 feet on the original plans, but the new plans show that it was built at an elevation of 55.25 feet. Because the garage was built at a higher elevation, the driveway was lengthened and moved towards the 30% slope boundary so a less steep driveway could access the garage.

The footprint of the home was located according to the approved plans; however, the hillside behind the home was disturbed in the construction process as much as 40' laterally into the hillside. This resulted in a 22' high cut slope.

Three revised site plans were submitted by the applicant. Two of the three plans propose only retaining walls to address the deficiencies. One set of new plans shows a garage addition on the South side of the existing garage. This addition would extend into the hillside that has been disturbed. Constructing the retaining walls at the minimum required distance or as approved in original site plan would be the least intrusive solution on the hillside.

Criteria in Utah State Law require that 5 specific conditions are met for a variance to be granted.

- (i) Literal enforcement of the ordinance would not create an undue hardship because the original site plan for this property determined that the applicants could construct a reasonably sized home without needing a variance. By not following the approved site plan, the desire to construct different retaining walls into the hillside is subject to a self imposed hardship.
- (ii) There are no special circumstances attached to the land that do not apply to most other properties in this zone. Steep land is common in this zone and not only this property.
- (iii) Not building on 30%+ slopes doesn't deny the applicant access to an essential property right enjoyed by others.
- (iv) The allowance of disturbing the hillside is contrary to the general plan and the public interest of protecting the hillside. The minimal amount of disturbance to the hillside was disregarded originally and needs to be repaired.
- (v) The spirit of the land use ordinance is to protect the natural aesthetics and beauty of the hillside by minimizing the removal of vegetation.

Staff recommends denying the variance based on failure to satisfy all 5 conditions outlined in Utah State Code regarding variances.

Acting Chairman Cheney opened the public hearing. The hearing was closed without comment as there were no other attendees to the hearing.

Karen Scherbel discussed that the earth work was done by the previous property owner.

Mr. Cheney explained the differences between the elevations shown on the house site plan and the actual elevations of the home as it was constructed. The proposed main floor elevation was listed as 59.0', but was constructed at 58.8'. The basement was listed at an elevation of 49.0', but was constructed at 48.8'. The garage elevation was proposed at an elevation of 48.0', but was constructed at an elevation of 55.25'. Instead of having 6 ft of elevation difference between the garage floor and the sidewalk, the elevation of the garage created a 13.25 ft elevation difference, resulting in the current driveway configuration. The original footing and foundation plans for the home identified the garage area as "unexcavated". The original concept did not get transferred from site plan to house plan. The original survey plans were examined with new survey information received from Balling Engineering. Comparison of the documents showed that the original grading was accurate near the front of the lot; however areas behind the home were off by six feet.

Mr. Knight asked what Mr. and Mrs. Scherbel and Mr. Schaefermeyer wanted to accomplish. The applicants would like to add a garage and a retaining wall against the back hill. The applicant's engineer prepared site plans for the 3 options presented. The applicant's preference would be to install a ten foot retaining wall with a ten foot planter, and in some areas another ten foot retaining wall. This would also allow safety equipment

to be brought into the backyard. Mr. Cheney explained that he had previously met Mrs. Scherbel and that it was recommended to her that any solution be contained within the disturbed area and to not extend it any further back at this point. Mr. Wright questioned if the wall would need to be restored back to the original site plans.

Mr. Knight asked if soil samples were taken. Mr. Scherbel stated that soil samples had not been taken at this point. The applicants discussed soil stability and erosion and showed pictures to the committee.

The applicants bought this property from a bank at a trustee sale and would like to complete this house and live in it. The zoning for this house was discussed. The applicant agreed that they did not want to alter this property into a multi-family home.

Mr. Badham asked the applicants to prepare a statement explaining how they meet the conditions of the variance under Utah State Law. There was discussion on possible solutions.

Mr. Scherbel discussed the desire for a garage to be added to this property. It was noted that the Orvis Property also has a detached garage approved where grading was an issue and that equal consideration should be given to this situation.

Committee Member Dave Badham made a motion that this variance be tabled for three weeks with the recommendation that the applicant provides a clearer site plan and explanation of the issues provided in the staff report regarding the Utah State Codes. Marc Knight seconded the motion. Voting was 3-0 in favor.

4. Consider a Conditional Use Permit letter, in written form, for a home occupation Sprinkler Repair business at 4691 Spring Meadow Dr., Michael Manilla, applicant.

Mr. Knight made a motion to approve the Conditional Use Permit letter for a home occupation Sprinkler Repair business at 4691 Spring Meadow Dr., Michael Manilla, applicant. Mr. Cheney seconded the motion. Voting was 3-0 in favor.

5. Consider a Conditional Use Permit letter, in written form, for a home occupation Heating/Air Conditioning business at 268 W. 1500 N., Chad Humphrey, applicant.

Mr. Knight made a motion to approve the Conditional Use Permit letter for a home occupation HVAC business at 268 W. 1500 N., Chad Humphrey, applicant. Mr. Cheney seconded the motion. Voting was 3-0 in favor.

Mr. Cheney ascertained that there were no other items to discuss. Mr. Knight made a motion to adjourn and Mr. Cheney seconded the motion. Voting was 3-0 in favor.

The meeting adjourned at 6:08 p.m.